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June 12, 2018

VIA ECF ONLY

The Honorable Steven M. Gold
United States District Court, Eastern District of New York
225 Cadman Plaza East
Chambers 1217, Courtroom 13-D
Brooklyn, NY 11201

RE: Allstate Insurance Company, et al. v. 21st Century Pharmacy, Inc., et al.
Civil Action No.: 1:17-cv-03731-WFK-SMG (E.D.N.Y.)

Dear Magistrate Judge Gold:

Plaintiffs Allstate Insurance Company and its affiliates (“Allstate”) respectfully submit this letter as a status report on their ongoing, yet unsuccessful, efforts to obtain Defendants Albert Alishayev’s (“Alishayev”) and 21st Century Pharmacy, Inc.’s (“21st Century”) (collectively, “defendants”) complete responses to Allstate’s first set of discovery demands.

As explained in Allstate’s May 4, 2018 letter concerning the defendants’ compliance with this Court’s March 7, 2018 discovery order, the parties have conferred several times to resolve the remaining issues concerning the defendants’ responses and document production. *See* ECF No. 43. While the parties have resolved certain issues and while the defendants have partially supplemented their responses and document production, the defendants still have not fully responded to Allstate’s requests relating to communications, loan agreements, and delivery of medications. *Id.*

On May 11, 2018, the defendants filed a response to Allstate’s May 4, 2018 letter. *See* ECF No. 46. In their letter, the defendants explained that an additional thirty (30) days was needed for them to conduct searches and then produce documents and information relating to the following requests: communications (Alishayev Document Request No. 1-2 and 21-23); loan transactions involving 21st Century (Alishayev Interrogatory No. 12-13); additional 21st Century employees and contractors (21st Century Interrogatory No. 2 and 20); and 21st Century delivery logs (21st Century Document Request No. 1 and 13). The defendants did not object to any of these requests, nor could they. Indeed, as explained by Allstate, each of these requests seeks documents and information relevant to the prescribing, production, dispensing, delivery, and billing of compounded medications and other drugs through 21st Century. *See* ECF No. 36-37, 43.

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The defendants should be compelled, for a second time, to provide all of the information and documents sought by Allstate. Despite requesting—and then taking—thirty (30) additional days to locate and produce the requested documents and information, the defendants still have not provided any further responses. Because the defendants have failed to comply with their own self-imposed deadline, the defendants should be ordered to provide complete responses and document production for the following requests within ten (10) days:

- Alishayev Interrogatory No. 12-13
- Alishayev Document Request No. 1-2 and 21-23
- 21st Century Interrogatory No. 2 and 20
- 21st Century Document Request No. 1 and 13

Respectfully submitted,

/s/ Michael W. Whitcher

Michael W. Whitcher (MW7455)

cc: All parties (via ECF filing only)